

REMARKSClaim Changes

Claim 8 is amended to clarify and simplify the language.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

Rejection of Claims 1 – 3 and 7 – 9 under 35 U.S.C. § 103 (a) as being unpatentable over US 5,369,783 (Childress et al) in view of Childress (US 5,574, 788)

Applicant respectfully traverses in part and amends in part. Applicant has amended the claims to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claims 1 – 3 and 7 – 9 under 35 U.S.C. § 103(a) as being unpatentable over Childress '783 in view of Childress '788.

The Office Action on page 3 states that “Childress '783 lacks a teaching of the automatic logging occurring without subscriber dispatcher interaction.” The Office Action purports to this limitation in Childress '788. The Office Action on page states that “Childress '788 teaches a trunked system in which logging takes place automatically without subscriber dispatcher interaction.” Office Action refers to Childress '783 column 6, lines 25 – 30.

Applicant respectfully submits that the combination of Childress '783 and Childress '788 does not teach or suggest all the claim limitations as set forth in independent claims 1, 7, and 8. Specifically, independent claims 1 and 7 recite “the automatic logging occurring without subscriber user/ dispatcher interaction” and independent claim 8 recites “the automatic grouping occurring without subscriber user/ dispatcher interaction” which are not taught or suggested in the combination of Childress '783 and Childress '788.

Applicant respectfully disagrees with the statement on page 3, of the Office Action dated June 29th, 2007 that the combination of Childress '783 and Childress '788 describes “the automatic logging occurring without subscriber user/ dispatcher interaction”. The Office Action specifically refers to column 6, lines 25 – 30 of Childress '788 as describing or being analogous to the “the automatic logging occurring without subscriber user/ dispatcher interaction”. This analogy is, however, a mischaracterization of Childress '788. Childress '788 on col. 6, lines 25 – 30 describes a feature of automatic channel switching where mobile, portable, control stations, and consoles automatically

switch to the appropriate channel. Automatic logging and channel switching are not equivalent parameters.

Applicant's "automatic logging" is referred to as the logging of unit ID's of each subscriber that responds to an incident broadcast. Whereas, Childress '788 describes about automatic channel switching due to which frequency co-ordination between fleets and sub-fleets can be done without interference of any field personnel.

Therefore, the combination of Childress '783 and Childress '788 do not teach or suggest the claim limitation of "the automatic logging occurring without subscriber user/dispatcher interaction" as required by independent claims 1, 7, and 8, so the Applicant respectfully requests withdrawal of the rejection of claims 1, 7, and 8 under 35 U.S.C 103.

Moreover, independent claim 7 recites "broadcasting another incident alert from the dispatch console to the two-way radios associated with the grouping of logged IDs", and independent claim 8, as amended, recites "broadcasting another incident alert from the dispatch console ", which are not taught or suggested individually or in the combination of Childress '783 and Childress '788.

Applicant respectfully disagrees with the statement on page 5 and page 7, of the Office Action dated that Childress '783 describes "broadcasting another incident alert from the dispatch console to the two-way radios associated with the grouping of logged IDs." The cited passage on col. 22, lines 16 - 25 of Childress '783 in contrast describes that the mobile transceivers "re-grouped" do not begin using the re-groups dynamically allocated to them until they receive a further message to do so over the main control channel. However, Applicant's another incident alert is sent to the two way radios already grouped together and using the re-group that is allocated to them.

Therefore, the combination of Childress '783 and Childress '788 do not teach or suggest the claimed limitations of "broadcasting another incident alert from the dispatch

console to the two-way radios associated with the grouping of logged IDs”, as recited by independent claims 7 and 8, so the Applicant respectfully requests withdrawal of the rejection of claims 7 and 8 under 35 U.S.C 103.

For the above reasons, Applicant submits that claims 1, 7, and 8 are not obvious in view of the combination of Childress ‘783 and Childress ‘788, and therefore that the rejection of claims 1, 7, and 8 under 35 USC 103(a) should be withdrawn. Applicant requests that claims 1, 7, and 8 now be passed to allowance.

Dependent claims 2, 3, and 9 depend from, and include all the limitations of independent claims 1, 7, and 8. Therefore, Applicant respectfully requests the reconsideration of dependent claims 2, 3, and 9 and requests withdrawal of the rejection.

Rejection of Claim 6 under 35 U.S.C. § 103 (a) as being unpatentable over US 5,369,783 (Childress et al) in view of Burkley (US 2004/0070515). Rejection of Claims 4, 5, 10, and 11 under 35 U.S.C. § 103 (a) as being unpatentable over US 5,369,783 (Childress et al) in view of Childress (US 5,574, 788) and in view of Borrás (US 5,175,872)

Dependent claims 4 – 6, 10 and 11 depend from, and include all the limitations of independent claims 1, 7, and 8. Therefore, Applicant respectfully requests the reconsideration of dependent claims 4 – 6, 10 and 11 and requests withdrawal of the rejection.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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